

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Wandell et al.)
)
Application No. 10/706,321)
)
Filed: November 12, 2003)
)
Title: Quantitative Analysis of A Biological)
Sample of Unknown Quantity)
)

**REQUEST FOR RECONSIDERATION
ON PETITION TO WITHDRAW FROM RECORD**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The decision of December 12, 2007 is plainly contrary to law. 37 C.F.R. 10.40(b) provides that "a practitioner representing a client before the office shall withdraw from employment if: ...the practitioner is discharged by the client." That is what has happened in this case.

In addition, the undersigned requests withdrawal under the provisions of Section 10.40(c)(iv), which specifies that a practitioner may withdraw if the client "[b]y other conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively." Because the undersigned has been discharged by Home Access, it is unreasonably difficult (indeed impossible) for the undersigned to represent Home Access or the inventors in this case.

Withdrawal also is requested under Section 10.40(c)(v), where withdrawal may be made if the "practitioner's client knowingly and freely assents to termination of the employment." Here, the client has knowingly and freely assented to termination of the employment of the undersigned.

Accordingly, it is respectfully requested that the December 12th decision be reconsidered and reversed and that the undersigned law firm be withdrawn.

Respectfully submitted,

Date: December 14, 2007

By: _____

Allen E. Hoover
Reg. No. 37,354
BANNER & WITCOFF, LTD.
10 S. Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001